

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/487,239

REMARKS

Claims 6 and 8-12 are all the claims pending in the application. The Examiner has withdrawn the previous indication of patentability. Applicants add claim 12 to further define the invention as discussed in detail below.

Claims 6 and 8-11 are objected to for a spelling error. In addition, the Examiner proposes amendments to claim 6 to make it read more clearly. Applicants amend the claims accordingly.

Claims 6 and 8-11 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited Dauber et al. (5,538,545) in view of newly cited Takiguchi et al. (5,804,074).

Analysis

Claim 6 is directed to the container which holds an adsorbent, the container being made of two laminates joined together. The laminates are formed of ultra high molecular weight polyolefin porous film and polytetrafluoroethylene porous film.

While Dauber is directed to a sorbent filter, it does not teach or suggest the use of ultra high molecular weight polyolefin porous film for the filter media layers. Dauber is primarily concerned with providing a filter with good filtration performance and good vapor phase adsorbing performance, that is easily cleaned and washable.¹

To supplement the deficiencies of Dauber, the Examiner turns to Takiguchi. This reference is directed to a porous plastic filter which utilizes a two layered structure of larger and smaller particle porous layers. The filter in Takiguchi does not hold a sorbent layer, and thus,

¹ Col. 3, lines 34-40.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/487,239

this type of filter is significantly different than that of Dauber or the present invention. Moreover, while Takiguchi suggests a multi-layer structure, it teaches that both layers should be formed of the same type of material.² While claim 15 (noted by the Examiner) may suggest the use of PTFE, it does not suggest the use of PTFE in combination with a ultra high molecular weight polyethylene layer.³

Thus, at most, Takiguchi is concerned with a two layered filter which may utilize ultra high molecular weight polyethylene but it fails to teach or suggest how this material should be combined with PTFE in a filter container. Thus, if one were to combine the cited references, one would only have been motivated to use either PTFE or ultra high molecular weight polyethylene, but one would not have thought to have used both types of materials for the container. As noted by the Examiner in the Office Action,⁴ the motivation for utilizing the ultra high molecular weight polyethylene porous film is “to provide the sorbent filter with higher mechanical strength.” Thus, since Takiguchi only uses the ultra high molecular weight polyethylene porous film, one would have only been motivated to form both films of the laminate with this same material, i.e., not both types of materials, in order to provide the higher mechanical strength.

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 6.

² Col. 6, lines 35-39.

³ Claim 15 depends from claim 11 which does not denote the use of ultra high molecular weight polyethylene.

⁴ Office Action at fourth numbered paragraph, last line.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/487,239

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 6, by virtue of their dependency therefrom.

In addition, Applicants add claim 12 to further define the invention. This claim is directed to the arrangement of the films with respect to the container structure. Specifically, the ultra high molecular weight polyolefin porous film is disposed at an interior side of the polytetrafluoroethylene porous film. This subject matter is illustrated in Fig. 1, page 11, lines 11-18 and page 12, lines 3-6. By forming the ultra high molecular polyolefin porous film inside, contamination of the outside environment is prevented. The combination of the cited references fail to provide any suggestion for this particular arrangement. Since Takiguchi teaches that when ultra high molecular weight polyolefin is used, it should be used for both layers, there is no suggestion for providing it at an interior side of a PTFE film.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/487,239

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith
Registration No. 43,042

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 23, 2004

Attorney Docket No.: Q57646